THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No:9798 of 2007

DATED:10-07-2007

BETWEEN:

Chanchala Bhanuchandra Rao & another.

..... PETITIONERS

AND

The State of Andhra Pradesh,
Rep., by its Secretary,
Department of Social Welfare,
Hyderabad & 2 others.

.....RESPONDENTS

ORDER:

Heard learned counsel appearing for the petitioners and the learned Government Pleader for Social Welfare appearing for the respondents.

2. Petitioners seek a writ of mandamus declaring the action of the respondents in not issuing caste certificate to the petitioners based on the caste certificate issued to their father, as illegal and arbitrary.

3. It is the case of the petitioners that both of them are studying B.Sc. final year and they are proposing to appear for the P.G. entrance test for which they require caste certificate. It is stated that both the petitioners are the sons of one Chanchala Adinarayana who belongs to Benthu Oriya Caste which comes under the Scheduled Tribe Community, and in fact, a certificate was also issued on 24-02-1986 certifying that their father belongs to Benthu Oriya caste, but however, there is no proceedings number etc., Therefore, I am not inclined to express any opinion with regard to the genuineness or otherwise of the said certificate, but however, it is stated that both the petitioners made applications, dated 06-01-2007, requesting the 3rd respondent to issue caste certificate in their favour. When an application has been made it is for the competent authority to make enquiry or follow the procedure as contemplated under Rule 5 of the A.P

(Scheduled Caste & Scheduled Tribe Backward Classes) Issue of Community, Nativity and Date of Birth Certificates Rules, 1997 (for brevity, 'the Rules') and if any doubt arises about their claim he can refer the matter to the committee under Rule 5(1) of the Rules.

4. Having regard to the facts and circumstances of the case, Writ Petition is disposed of directing the 3rd respondent to consider and pass appropriate orders on the applications of the petitioners, if any, made for issuance of the community certificate after making necessary enquiry or follow the procedure as contemplated under Rule 5 of the Rules. No order as to costs.

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V.ESWARAIAH,J

10th July, 2007.
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